

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01362

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01665

**MCKESSON CORPORATION'S MOTION IN LIMINE TO EXCLUDE
EVIDENCE REGARDING FORMER EMPLOYEE'S MISDEMEANOR PLEA**

McKesson hereby moves in limine to exclude certain evidence relating to former regulatory affairs employee, David Gustin, specifically (1) Mr. Gustin's 2020 plea to a misdemeanor charge, including the charging document and his written agreement to plead guilty to the misdemeanor charge, and (2) Mr. Gustin's 2019 Indictment. The bases for this Motion are set forth in the accompanying memorandum of law, which is incorporated herein. Pursuant to LR Civ. P. 7.1(a), copies of all documents, affidavits, and other such materials or exhibits referenced in the memorandum and upon which this motion relies are attached to this motion.

Dated: October 2, 2020

Respectfully submitted,

McKesson Corporation

By Counsel:

/s/ Timothy C. Hester
Timothy C. Hester (DC 370707)

Laura Flahive Wu
Christian J. Pistilli
Andrew P. Stanner
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-5324
theseter@cov.com
lflahivewu@cov.com
cpistilli@cov.com
astanner@cov.com

/s/ Paul W. Schmidt
Paul W. Schmidt
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018
(212) 841-1000
pschmidt@cov.com

/s/ Jeffrey M. Wakefield
Jeffrey M. Wakefield (WVSB #3894)
jwakefield@flahertylegal.com
Jason L. Holliday (WVSB #12749)
jholliday@flahertylegal.com
FLAHERTY SENSABAUGH BONASSO
PLLC
P.O. Box. 3843
Charleston, WV 25338-3843
Telephone: (304) 345-0200

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 2nd day of October, the foregoing “MCKESSON CORPORATION’S MOTION IN LIMINE TO EXCLUDE EVIDENCE REGARDING FORMER EMPLOYEE’S MISDEMEANOR PLEA” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Timothy C. Hester
Timothy C. Hester